

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

1259 POST LLC d/b/a FLO'S PIZZERIA
& SPORTS BAR,

Case No. 1:20-cv-00626-HYJ-PJG

Hon. Hala Y. Jarbou

Plaintiff,

v.

ORAL ARGUMENT REQUESTED

EMCASCO INSURANCE CO. and
EMPLOYERS MUTUAL CASUALTY
CO.,

Defendants.

**DEFENDANTS' MOTION TO DISMISS FIRST AMENDED CLASS ACTION
COMPLAINT AND MOTION TO STRIKE CLASS ALLEGATIONS**

For the reasons argued in their concurrently-filed Memorandum, Defendants Employers Mutual Casualty Company and EMCASCO Insurance Company (collectively, "EMC") bring this motion under Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), 12(f), and 23 to (i) dismiss the above-captioned action for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted, as well as to (ii) strike class allegations in the First Amended Class Action Complaint. In accordance with Local Rule 7.1(d), EMC has ascertained that Plaintiff 1259 Post LLC d/b/a Flo's Pizzeria & Sports Bar will oppose the motion.

WHEREFORE, EMC requests that this Court enter an order dismissing Plaintiff's claims against it with prejudice and, alternatively, should any part of Plaintiff's claims survive, to strike Plaintiff's class allegations without leave to amend.

Dated: October 22, 2020

Robins Kaplan LLP

By: /s/Anne M. Lockner _____

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